

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NKUMA UCHE,	)	4:09CV3123
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
BRUMBAUGH & QUANDAHL,	)	
P.C.,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. The Clerk of the court issued a summons to Defendant Brumbaugh & Quandahl, P.C. on June 19, 2009. (Filing No. [2](#).) That summons was returned as executed on June 26, 2009. (Filing No. [5](#).) The Federal Rules of Civil Procedure require that a defendant serve an answer to a complaint “within 20 days after being served with the summons and complaint.” [Fed. R. Civ. P. 12\(a\)](#). Although Defendant had until July 16, 2009, to do so, it has not filed an answer or any other responsive pleading. (*See* Docket Sheet.)

The court notes that a related case, brought by Plaintiff against related parties, is pending in this court. (Case No. 4:09CV3106, Filing No. [1](#).) Defendant in this matter is a law firm who represents all of the defendants in Case No. 4:09CV3106. (Case No. 4:09CV3106, Filing No. [12](#).) Thus, there may be some confusion regarding these two cases and Defendant’s failure to answer may be unintentional. In light of this, the court will permit additional time for Defendant to answer or otherwise plead, in the absence of which Plaintiff may seek default judgment.

IT IS THEREFORE ORDERED that:

1. Defendant shall have until September 2, 2009, to file an answer or other responsive pleading. In the event that Defendant does not file an answer or motion

by that date, Plaintiff will be given the opportunity to seek a default judgment.

2. The Clerk of the court is directed to provide a copy of this Memorandum and Order to Defendant at the address shown on the executed summons form.

3. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: September 2, 2009: check for response from Defendant.

4. Plaintiff's Motion for Leave of Court to Increase Number of Interrogatories (filing no. [6](#)) is denied without prejudice to reassertion after Defendant has filed an answer or other responsive pleading.

August 4, 2009.

BY THE COURT:

*Richard G. Kopf*

United States District Judge

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